

Message Text

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E.O. 11652: N/A
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SUBJECT: AGREEMENT ON COOPERATION BETWEEN US AND SPANISH
CUSTOMS SERVICES

REF: (A) STATE A-1150 DATED MARCH 15, 1978 (B) MADRID 4315

1. WE HAVE NOW RECEIVED, AS AN ENCLOSURE TO MFA NOTE
VERBALE 232 DATED JULY 14, 1978, THE COMMENTS AND MODIFI-
CATIONS PROPOSED BY THE SPANISH AUTHORITIES TO THE DRAFT
AGREEMENT ON COOPERATION BETWEEN THE UNITED STATES AND
SPANISH CUSTOMS SERVICES IN MATTERS RELATING TO THE
ENFORCEMENT OF CUSTOMS LAWS WHICH WAS TRANSMITTED TO THE
MFA ON APRIL 11, 1978.

2. THE SPANISH COMMENTS AND PROPOSALS ARE AS FOLLOWS:

A. ARTICLE 1, PARA 2): DELETE "THE SPANISH STATE, THE
MINISTRY OF FINANCE AND ITS SUBORDINATE CUSTOMS AUTHORITIES
AND SUBSTITUTE "SPAIN, THE DIRECTORATE GENERAL OF CUSTOMS
AND SPECIAL TAXES OF THE MINISTRY OF FINANCE".

B. ARTICLE 2, PARA 2): DELETE PARAGRAPH IN ITS ENTIRETY,
SUBSTITUTE "ASSISTANCE, IN THE FORM ENVISAGED IN THE
PRESENT AGREEMENT, WILL INCLUDE, WHEN SO REQUESTED, ALL
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THE PERTINENT INFORMATION TO ASSURE THE EXACT PERCEPTION
OF THE CUSTOMS DUTIES AND OTHER TAXES BY THE CUSTOMS
ADMINISTRATIONS."

C. ARTICLE 2, PARA 3): IN PENULTIMATE LINE, DELETE "UNITED
STATES". THE UNDERTAKING SHOULD APPLY EQUALLY TO BOTH
PARTIES.

D. ARTICLE 7, PARA 1): DELETE "THE REQUESTED CUSTOMS SERVICE SHOULD BE REQUIRED TO SEEK ANY OFFICIAL OR JUDICIAL MEASURE NECESSARY TO CARRY OUT THE REQUEST." THIS CLAUSE IMPOSES A VERY RIGID OBLIGATION AND COULD BE ELIMINATED, HAVING IN MIND ARTICLE 6, PARA 2).

E. ARTICLE 8: IT APPEARS EXCESSIVE TO ANTICIPATE THE TRANSMITTAL OF THE ORIGINALS OF THE DOCUMENTS. PARAGRAHS 1) AND 2) COULD BE REPLACED BY A PARAGRAPH THAT DEALS WITH THE AUTHENTICATION OF THE DOCUMENTS, IF NECESSARY, ACCORDING TO THE LEGAL NORMS EXISTING IN EACH COUNTRY.

F. ARTICLE 11: DELETE PARAGRAPH IN ITS ENTIRETY, SUBSTITUTE THE FOLLOWING TWO PARAGRAPHS: "THE ASSISTANCE FORESEEN IN THE PRESENT AGREEMENT WILL BE EFFECTED DIRECTLY BETWEEN THE CUSTOMS ADMINISTRATIONS OF THE CONTRACTING PARTIES. SAID ADMINISTRATIONS WILL ESTABLISH BY COMMON AGREEMENT THE PRACTICAL MODALITIES OF APPLICATION."

"A MIXED COMMISSION, COMPOSED OF REPRESENTATIVES OF THE CUSTOMS ADMINISTRATIONS OF BOTH CONTRACTING PARTIES, WILL BE RESPONSIBLE FOR EXAMINING THE PROBLEMS ARISING FROM THE APPLICATION OF THE PRESENT AGREEMENT."

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G. ARTICLE 12: IN OTHER SIMILAR AGREEMENTS, REFERENCE IS MADE TO JURISDICTIONAL WATERS.

3. A COPY OF THE SPANISH NOTE VERBALE WITH ENCLOSURE IS BEING POUCHED TO EUR/WE.

4. PLEASE ADVISE. TODMAN

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